IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.5753 of 1996

Between:

M/s. Chitavalsah Jute Mills, Rep. President Sri- H.S.Singh.
Chittavalsa P.O.531 162, Visakhapatnam.

...PETITIONER

AND

1. Controlling Authority under Payment of Gratuity Act, 1972, Govt.

   Of A.P., (Assistant Commissioner of Labour I Circle), Vijayanagar Palace, Pedawaltair,
   Visakhapatnam.-530 017
2. Sri Kotamswtty Appanna, S/o. Ramulu.
   Gudivada P.O., Bhogapuram,
   Vizianagaram.
3. Sri M.Adinarayana, S/o. Ramulu.
   Raja Veedhi, Thagarapuvalasa,
   Visakhapatnam.
4. Sri Kuncham Ramulu, S/o. Narayana.
   Near Old Local Office, Thagarapuvalasa,
   Visakhapatnam.
5. Sri Madabathula Bangari, S/o. Paidayya.
   Near Old Local Office, Thagarapuvalasa,
   Visakhapatnam.
6. Sri Joga Suryanarayana, S/o. Appala Swamy.
   Satyanarayana Peta, Thagarapuvalasa,
   Visakhapatnam.
7. Sri Kuncham Gurumurthy, S/o. Narayana.
   Rama Street, Thagarapuvalasa,
   Visakhapatnam.

8 Sri Neduri Ramulu, S/o. Peramallu,
Chillapeta, Raipalem PO., Bheemunipatnam,
Visakhapatnam.
9 Sri Neduri Guruvulu, S/o. Peramallu.
Chillapeta, Raipalem PO., Bheemunipatnam,
Visakhapatnam.
10 Sri Saragada Seetharamulu, (dismissed) S/o. Appalaswamy.
Gudivada P.O., Bhogapuram,
Vizianagaram.
11 Sri Gandhavarapu Thatayyalu, S/o. Appala Swamy.
Raipalem, Bheemunipatnam,
Visakhapatnam.
12 Sri Erusu Rama Appanna, S/o. Rama Swamy.
Jeerupeta, Raipalem, Bheemunipatnam,
Visakhapatnam.
13 Sri Saragada Peda Appalanarasayya, S/o. Kanakaiah,
Chippada, Bheemunipatnam,
Visakhapatnam.
14 Sri Empada Gurrayya, S/o. Peda Appanna.
Chippada, Bheemunipatnam,
Visakhapatnam.
15 Sri Pusapati Appala Narasimha Raju, S/o. Ramachandra Raju.
Sangivalasa, Chittavalasa,
Visakhapatnam.
16 Sri Boosara Thogulu, S/o. Atchanna.
Kondapeta, Chittavalasa,
Visakhapatnam.
17 Sri Jeeru Chinna Suthia, S/o. Kanakaiah.
Chippada, Bheemunipatnam,
Visakhapatnam.
18 Sri Mamidi Appala Narasayya, S/o. Appalaswamy.
Raipalem, Bheemunipatnam,
Visakhapatnam.
19 Sri Biredla Appanna, S/o. Narasaiah.
Gudivada, Bhogapuram,
Vizianagaram.
20 Sri Bankapalli Thotaiah, S/o. Guruvulu.
Raipalem, Bheemunipatnam,
Visakhapatnam.
21 Sri Jeeru Venkayya, S/o. Guraiah,
Chippada, Bheemunipatnam,
Visakhapatnam.
22 Sri Saragada Narasimhulu, S/o. Kanakaiah.
Chippada, Bheemunipatnam,
Visakhapatnam.
23 Sri Madabathula Ramulu, S/o. Appalaswamy.
Raja Veedhi, Thagarapuvalsa,
Visakhapatnam.
24 Sri Chelluri Veeranna, S/o. Pydithalli.
Kondapeta, Chittavalasa,
Visakhapatnam.

(R10 & R22 dismissed for default as per Court order dated 06.04.2000)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or a writ particularly one in the nature of Writ of Certiorari after calling for the records from the 1st respondent and quash the order passed in PGMP Nos. 1/94 to 4/94, 6/94 to 11/94, 18/94 to 28/94, 30/94 and 32/94 dated 09/02/1996.

Counsel for the Petitioner: MR.K.SRINIVASAMURTHY

Counsel for the Respondent NO.1: GP FOR LABOUR

Counsel for the Respondent Nos.1 to 9, 11 to 21, 23 and 24: None appeared

The Court made the following:

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.5753 of 1996

-

ORDER:

The petitioner, which is a management, has filed this Writ Petition *inter alia* seeking a writ of certiorari to assail the order dated 09.02.1996 in condoning the delay at the instance of contesting respondents herein for filing applications under the provisions of A.P.Gratuity Act, 1972.

It is the case of the petitioner that the amount was paid long back and therefore, there is no proper reason to file the applications by the respondents, as it is purely inconsistent. Hence, the present Writ Petition is filed assailing the order dated 09.02.1996.

Considering the submissions made and on perusal of the material available on record, it is seen that the authority namely, respondent No.1 herein had to take into consideration the fact that the contesting respondents are illiterates and the delay is condoned having regard to the discretion, which had already exercised. I do not find any merits at this point of time nor any warrant to interfere the exercise of powers under Article 226 of the Constitution of India. I do not find any merits in the Writ

Petition.

Accordingly, the Writ Petition is dismissed.

-

_____

(B.PRAKASH RAO, J)

29th November 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. Controlling Authority under Payment of Gratuity Act, 1972, Govt.

Of A.P., (Assistant Commissioner of Labour I Circle),

Vijayanagar Palace, Pedawaltair, Visakhapatnam.-530 017.

2. Two CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT).

3. Two CD copies.